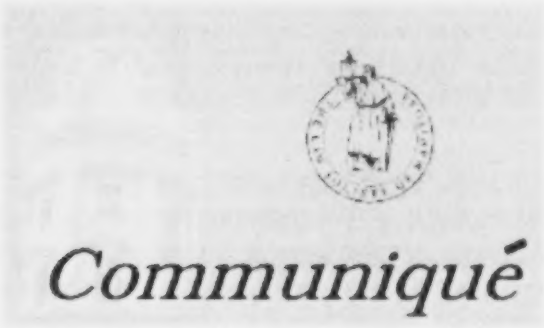

Communiqué

MAY, 2004

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Benchers' Meeting Highlights

Allan Fineblit, Q.C.
Chief Executive Officer

The May Benchers' meeting often involves a lot of formalities, especially in an election year where there are new Benchers to welcome and old Benchers who receive Life Bencher Certificates at the end of a long eight years as an elected Bencher.

Out-going President **Patrick Riley** began the May 20, 2004 Bencher meeting by congratulating all of those who were elected, and welcoming first- time Benchers, **Kerry Pearlman**, **Irene Hamilton**, **Todd Rambow** and **Christina Kopynsky**. Life Bencher Certificates were awarded to **Sid Green**, **Bill Haight** and **Al Semchuk**. Patrick spoke about the hard work and dedication each had put into their role as a Bencher, and the significant changes (mostly positive) that had taken place during their four terms as Benchers.

Vice-President **Bill Johnston** was elected as the 84th President of the Law Society of Manitoba. Bill presented Patrick Riley with his Life Bencher Certificate, noting the achievements of the past year under Patrick's presidency.

Bill called upon **Lori Spivak** in her capacity as Chair of the Nominating Committee to report on the committee's recommendations. The names of **Garth Smorang** and **Jon Van der Krabben** were put forward as vice-presidential candidates and Garth Smorang was elected. Lori put

forward recommendations for the various committee chairs, vice-chairs and membership and the Benchers unanimously approved those recommendations.

Rob Kozak will chair the Admissions and Education Committee, with **David Kroft** as Vice-Chair. David will also chair the Reimbursement Claims Fund Committee and serve as Second Vice-Chair of the Discipline Committee. **Pat Fraser** will chair the Complaints Investigation Committee and **Bill Gange** will serve as Vice-Chair. Bill will also chair the insurance committee. **Jeff Hirsch** will serve as Chair of the Equity Committee and **Donna Miller** will chair the Discipline Committee, with **Jon Van der Krabben** as Vice-Chair. **Gord Hoeschen** will chair the Practice and Ethics Committee.

Benchers were advised about the Society's meetings with the Province regarding the retail sales tax. Issues addressed were:

- ensuring clarity so compliance is easy;
- ensuring a level playing field with those from other provinces or non-lawyers providing similar services to lawyers;
- seeking a delay in implementation to permit our members to adjust their accounting systems;
- providing continuing education opportunities for our members to learn about the new tax and their responsibilities.

We have been working closely with other professional bodies, including the Manitoba Bar Association, on this issue.

Benchers received a report on emerging issues at the Federation of Law Societies from Federation Vice-President Lori Spivak. Discussions took place regarding issues relating to the mobility of federal crowns and developing a national protocol for searches of lawyers' offices.

Benchers approved, in principle, rule amendments to simplify the procedural steps when a member is applying for reinstatement and approved in final form an amendment to Chapter 8 of the Code of Professional Conduct dealing with what to do to protect solicitor/client privilege when a law office is being searched.

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Membership Changes

The following members have voluntarily changed their status as indicated on the dates shown:

Practising to Non-Practising:
April 1, 2004 Jonathan McCully
April 1, 2004 Vivian Hilder
April 1, 2004 Ronald J. Balacko
April 1, 2004 Adrian C. McKeown
May 17, 2004 Casey M. Chisick

Practising to Inactive:
April 1, 2004 Donald H. Layh
April 15, 2004 Kathy L. Kalinowsky
May 1, 2004 Renald J. Guay
May 28, 2004 Vern Simonsen

Non-Practising to Practising:
January 19, 2004 Christopher S. Tait
April 12, 2004 Avaline J. Widmer Thrush
May 3, 2004 Louise H. Lien

Inactive to Practising:
April 1, 2004 Robert L.T. McDonald
April 1, 2004 Frank A. Johnson
April 13, 2004 Lynne C.P. Hiebert
May 1, 2004 Vern Simonsen
May 6, 2004 Shannon L. Hanlin
May 6, 2004 Jackson H. Mugerwa

Transfer from Another Province:
The following people were called to the Bar of Manitoba and are now entitled to practice law in this jurisdiction, having fulfilled the requirements of Rule 5-14.

Ted M. Sutcliffe Law Society of British Columbia, April 23, 2004
Pamela M. Clarke Law Society of Upper Canada, April 23, 2004
Wayne D. Webster Law Society of Newfoundland, April 30, 2004

Automatic Suspension
On **May 3, 2004, Dina Bruyere** of The Law Society of Manitoba was automatically suspended from practising law for failing to pay her annual fees.

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Bencher Election Results

The following were elected or acclaimed as Benchers of the Law Society of Manitoba on May 5, 2004:

Winnipeg Electoral District
David Kroft
Garth Smorang, Q.C.
Grant Mitchell, Q.C.
Jeffrey Hirsch
William Gange
Paul Jensen
Donna Miller, Q.C.
Kerry Pearlman

Irene Hamilton
Christina Kopynsky, Q.C.

Central Electoral District
Gordon Hoeschen

Dauphin Electoral District
Todd Rambow

Western Electoral District
William Johnston
Patricia Fraser

Eastern Electoral District
Jon Van der Krabben

Northern Electoral District
Robert Kozak

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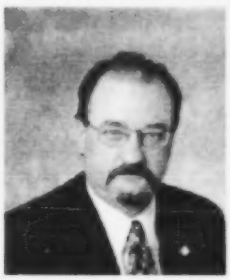
William R. Johnston New Law Society President



On May 20, 2004 Bill Johnston was elected as the 84th President of the Law Society of Manitoba. Bill was first elected as a Bencher in 1996 and has served on virtually all Law Society committees, including serving as Chair of the Complaints Investigation Committee and the Insurance Committee. He is a partner with the firm of Hunt, Miller & Co. LLP in Brandon and practises in the fields of corporate, commercial and real estate law, as well as carrying on a litigation practice.

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Garth H. Smorang, Q.C. New Vice-President

Garth Smorang was elected Vice-President of the Law Society of Manitoba on May 20, 2004. Garth is a partner at Myers Weinberg LLP, where he practises in the area of labour relations and employment law. He has been a Bencher since 1998.

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Notes from the Legal Studies Department

Articling Positions
There are a number of students still seeking articling positions for 2004-2005. Some of these students would consider positions outside Winnipeg. If you are interested in receiving student resumes, please contact Brenda Silver at 926-2024.

First Year Lawyers
Our current Bar Admission class will be called to the Bar on June 17, 2004. Several of the students do not have positions lined up for after their call and have provided Legal Studies with their resumes. If you are interested in hiring a newly called lawyer and would like to receive these resumes, please contact Brenda Silver at 926-2024.

The New Manitoba CPLED Program
The Canadian Centre for Professional Legal Education (CPLED) Program replaces the Manitoba Bar Admission Course. CPLED is operated through three provincial organizations, the Legal Education Society of Alberta, Saskatchewan Legal Education Society Inc. and the Law Society of Manitoba.

Starting this summer, the new CPLED Program will be offered in the three provinces. It combines face-to-face small group instruction and online learning experiences. It is designed to assist articling students to develop the skills required by competent general practice lawyers. The CPLED Program will focus on the following skills: problem-solving, legal research, interviewing and advising, negotiating, advocacy and alternative dispute resolution, writing, and drafting. Time management, practice management, ethics and professionalism will also be emphasized.

Staff Changes as of June 14, 2004
Sheila Redel, who had been seconded for two years to develop the new CPLED Program, will resume her duties under the new title Director - Professional Education and Competence. She will also become the Executive Director of CPLED for the three provinces. Brenda Silver will be responsible for administering the new CPLED Program in Manitoba, along with special education projects and remedial education. Her new title is Deputy Director - Professional Education. Susan Billinkoff, formerly a publications editor, will develop CLE programs under the new title of Program Counsel - Continuing Professional Development. Ellen Henry will continue as a publications editor under the new title Legal Editor - Manitoba CPLED Resource Materials.

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Notice of Annual Meeting

The Annual Meeting of the Benchers of the Law Society of Manitoba will be held on **Thursday, June 24, 2004 at 1:00 p.m.** in the Society's classroom, 219 Kennedy Street, Winnipeg, Manitoba.

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Notice of Benchers' Meeting

The next meeting of the Benchers of the Law Society of Manitoba will be held on T**hursday, June 24, 2004**, immediately following the Annual Meeting of the Benchers, in the Society's classroom, 219 Kennedy Street, Winnipeg, Manitoba. Members of the Society are encouraged to attend and participate in the deliberations of the governing body.

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Important Privacy Information

On occasion, the Law Society may provide basic contact information about our practising members (name, business address, e-mail address, fax and phone numbers) to professional legal associations, organizations and institutions without charge, to enhance communications with the profession, including information about programs, and to facilitate the maintenance of mailing lists. For example, we have provided basic contact information about our practising members to the Manitoba Bar Association for inclusion in its legal directory. Prior to giving out any contact information, we consider whether the requested information will be used for a purpose that will assist in fulfilling the mandate of the Law Society. Remember, the aim of the Law Society is a public well-served by a competent, honourable and independent legal profession. We also take steps to see that the information will be secured in a manner that is satisfactory to the Society.

You have the option to instruct the Law Society not to provide your basic contact information to any professional legal association, organization or institution.

If you do not wish the Law Society to provide your contact information to any professional legal association, organization or institution, you can let us know before June 30, 2004 either by email: admin@lawsociety.mb.ca or by regular mail addressed to:

Office Manager
The Law Society of Manitoba
219 Kennedy Street
Winnipeg, Manitoba
R3C 1S8

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Insurance Claims Over $1 Million

All Insured lawyers in the Province of Manitoba have mandatory insurance coverage of $1 million. However, claims can exceed $1 million. Lawyers and law firms without excess insurance have to satisfy any claims over $1 Million out of their own pockets. Also, the $1 million mandatory coverage includes damages and defence costs, so legal fees spent on behalf of the Insured lawyer erode those limits.

It is no longer an unusual event to see a Statement of Claim against a lawyer claim well in excess of $1 Million. In other Canadian jurisdictions, it has become routine to pay out claims of this magnitude. Therefore, we encourage every firm to think about to what extent the firm members want to be personally exposed.

Excess coverage can be purchased through the Canadian Lawyers Insurance Association (CLIA) in amounts from $1 to $9 Million in excess of the $1 Million mandatory insurance. CLIA's rate structure and applications are available from the Professional Liability Claims Fund Department of The Law Society of Manitoba. Other excess insurance can also be purchased through local brokers.

If you have any questions about excess insurance, please contact Bonnie Harvey or Tana Christianson of the Professional Liability Claims Fund.

Tana Christianson 926-2011
Bonnie Harvey 926-2026

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Speak Now or Forever Hold Your Peace

If you know of any circumstances which might possibly, at some point in the future, give rise to an insurance claim against you and you want coverage under your Insurance Policy, then you must report those circumstances to the Law Society's Professional Liability Claims Fund staff before the end of June.

The current Lawyers Professional Liability Insurance Policy runs from July 1, 2003 to July 1, 2004, as does the CLIA Excess Policy of Insurance and many other excess policies. Lawyers' liability insurance policies are written on a claims made basis. Section 4.2 of our Policy provides coverage for claims made during the policy period, provided that the Insured had no knowledge before commencement of the policy period of the claim or potential claim and could not reasonably have foreseen before commencement of the policy period that a claim might arise. Therefore, if you have knowledge of a problem or are concerned about a file now, you should be putting the Professional Liability Claims Fund staff on notice before this policy year runs out on July 1, 2004. Claims Fund staff can be reached at:

Tana Christianson 926-2011
Kate Craton 926-2012
Louise Ritchie 926-2021
Bonnie Harvey 926-2026

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